

Modification of Minister's Approval

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Ben Lusher
Acting Executive Director
Key Sites and Industry Assessments

Sydney

9 SEPTEMBER

2016

SCHEDULE 1

Development Approval:	MP 05_0037 granted by the Minister for Planning on 4 July 2006
For the Following:	Construction and operation of a waste oil Resource Recovery and Recycling Facility
Applicant:	Cleanaway
Consent Authority:	Minister for Planning
The Land:	Lot 223 DP1037300, 11 Kyle Street, Rutherford, Maitland Local Government Area
Modification:	MP 05_0037_MOD 5: the modification includes: Construction and operation of new equipment (oil polishing system, multi-fuel burner, six additional oil storage tanks with total combined storage of 2.4 ML and safety and fire-fighting systems) and increase the height of the Multi-Fuel Burner Stack, to enable the facility to produce both Class I and Class II product oils.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 – Definitions are amended by the insertion of the **bold and underlined** words / numbers in alphabetical order as follows:

MOD 5 **Modification Application titled “Transpacific Refiners Diversification Project” prepared by AECOM and dated 14 January 2016 and “MP06 0037 MOD 5 Modification to Transpacific Refiners: Response to Submissions” prepared by Aecom dated 15 March 2016;**

- (b) Schedule 2 – Condition 1.1 are amended by the insertion of the bold and underlined words / numbers as follows:

Terms of Approval

1.1 The Proponent shall carry out the project generally in accordance with the:

- a) EAR as amended by the preferred project report (*Resource Recovery and Recycling Facility, Rutherford – Preferred Project Report*) prepared by Parsons Brinckerhoff Australia Pty Ltd, and dated May 2006
- b) statement of commitments, prepared by Parsons Brinckerhoff Australia Pty Ltd, and dated 19 May 2006;
- c) Modification application titled Environmental Assessment for Transpacific Refiners, Modifications to Existing Development prepared by Transpacific Industries Pty Ltd, dated 12 April 2007;
- d) Modification application titled Streamlining the Project Approval for the Construction and Operation of a Resource Recovery and Recycling Facility prepared by Transpacific Industries Pty Ltd and dated 7 July 2011;
- e) MOD 4;
- f) **MOD 5**; and
- g) conditions of this approval.

- (c) Schedule 2 – Condition 1.3A is included by the insertion of the **bold and underlined** words / numbers as follows:

1.3A The Applicant shall:

- a) **design and construct tanks in MOD 5 in accordance with API 650: Welded Steel Tanks for Oil Storage;**
- b) **comply with the requirements of the current edition of AS1940: The storage and handling of flammable and combustible liquids.**

- (d) Schedule 2 – Condition 2.14A is included by the insertion of the **bold and underlined** words / numbers as follows:

Boilers

2.14A The sulphur composition of all fuel utilised for the project must not exceed 0.5 per cent.

- (e) Schedule 2 – Condition 2.18A is included by the insertion of the bold and underlined words / numbers as follows:

Bunding

2.18A Prior to commencement of operations of MOD 5, the Applicant shall submit to the EPA details of an inventory system to accurately measure and report product losses from the tank farm.

- (f) Schedule 2 – Condition 2.18B is included by the insertion of the **bold and underlined** words / numbers as follows:

2.18B The Applicant shall ensure the bund for the tank farm in MOD 5:

- a) **includes a bund lining system to achieve an impermeable barrier;**
- b) **is designed, constructed and maintained in accordance with AS 1940:2004 and the DECC Technical Guideline *Bunding and Spill Management*;**
- c) **includes the installation of an early warning leak detection and prevention systems, prior to commencement of operations, that are certified by a site auditor accredited under the *Contaminated Land Management Act, 1997*;**
- d) **includes measures to manage liquids within the bund to ensure no migration of contaminants occurs that could cause pollution of land and/or groundwater;**
- e) **demonstrates that materials contained within the bund are compatible with bund construction such that its long-term function is not impaired; and**
- f) **is included in monitoring programs to ensure the bund achieves its performance objectives and continues to provide an effective barrier for the prevention of pollution of land and waters.**

- (g) Schedule 2 – Condition 2.18C is included by the insertion of the **bold and underlined** words / numbers as follows:

2.18C Prior to commencement of operations of MOD 5, the Applicant shall submit to the satisfaction of the Secretary, a report confirming the bunds have been installed in accordance with condition 2.18B. The report shall include:

- a) **as-constructed drawings from field surveys depicting the base elevation of the bund, upper surface of the liner(s), geotextiles, engineered liners and sealed layers of the bund;**
- b) **construction quality control results; and**
- c) **written advice from the person(s) overseeing the works that the bunds were installed in accordance with the approved design and construction specifications.**

- (h) Schedule 2 – Condition 2.18D is included by the insertion of the **bold and underlined** words / numbers as follows:

2.18D Prior to commencement of operations of MOD 5, the Applicant shall implement a Containment Bund, Tank and Pipeline Integrity Assessment Program. The program must detail measures to assess and maintain the integrity of the tank farm containment bund, other containment structures, tanks and pipelines during the life of the facility.

- (i) Schedule 2 – Condition 2.21B is included by the insertion of the **bold and underlined** words / numbers as follows:

HAZARDS AND RISKS

2.21B. At least one month prior to the commencement of construction of MOD 5, or within such further period as the Secretary may agree, the Applicant shall prepare and submit for the approval of the Secretary an update of the following studies to include MOD 5. Construction of MOD 5, other than preliminary works, shall not commence until approval has been given by the Secretary and, with respect to the Fire Safety Study, approval has also been given by Fire and Rescue NSW.

- a) **Fire Safety Study : An updated Fire Safety Study in accordance with Condition 2.21 a).**
- b) **Final Hazard Analysis: A Final Hazard Analysis in accordance with Condition 2.21 c) and include the implementation of recommendations of the Preliminary Hazard Analysis in MOD 5.**
- c) **Construction Safety Study: An updated Construction Safety Study in accordance with Condition 2.21 d).**

- (j) Schedule 2 – Condition 2.22A is included by the insertion of the **bold and underlined** words / numbers as follows:

HAZARDS AND RISKS

2.22A. At least two months prior to the commencement of commissioning of MOD 5, or within such further period as the Secretary may agree, The Applicant shall submit for the approval of the Secretary, an updated Emergency Plan including updated emergency procedures to incorporate changes due to MOD 5. The Emergency Plan shall be prepared in accordance with Condition 2.22 a).

- (k) Schedule 2 – Condition 2.22B is included by the insertion of the **bold and underlined** words / numbers as follows:

HAZARDS AND RISKS

2.22B. At least two months prior to the commencement of commissioning of MOD 5, or within such further period as the Secretary may agree, The Applicant shall submit for the approval of the Secretary, an updated Safety Management System to incorporate changes due to MOD 5. The Safety Management System shall be prepared in accordance with Condition 2.22 b).

- (l) Schedule 2 – Condition 3.4A is included by the insertion of the **bold and underlined** words / numbers as follows:

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

3.4A. Prior to the commencement of construction of MOD 5, the Applicant shall prepare (and following approval implement) an updated CEMP for MOD 5 to the Satisfaction of the Certifying Authority. The CEMP shall be prepared in accordance with the requirements of Condition 3.3 and Condition 3.4.

- (m) Schedule 2 – Condition 4.3A is included by the insertion of the **bold and underlined** words / numbers as follows:

AIR QUALITY AND ODOUR VALIDATION REPORT

4.3A. Within six (6) months of the date of commencement of the modified operation, the Applicant must submit for the approval of the Secretary, an Operational Air and Odour Validation Report.

The Report must:

- a) **Be prepared by a suitably qualified and experienced person(s) in consultation with the EPA;**
- b) **Include a revised Air Quality Impact Assessment of air quality impacts from the project 'as constructed' and include actual measured emissions;**
- c) **Assess conclusions made in the documents:**
 - **"Air Quality Impact Assessment – Transpacific Diversification Project 05 0037 Mod 5" prepared by AECOM and dated 15 March 2016; and**
 - **any subsequent air quality impact assessment prepared for the facility 'as constructed'.**
- d) **Include a complete source emissions monitoring program for the facility to validate compliance with the Protection of the Environment Operations (Clean Air) Regulation 2010 ("the Regulation") and to validate the emissions inventory contained within the document "Air Quality Impact Assessment – Transpacific Diversification Project 05 0037 Mod 5" prepared by AECOM and dated 14 January 2016 or any subsequent emissions inventory prepared for the facility 'as constructed'. A copy of the results and recommendations of the source emissions monitoring program must be included in the Report.**
- e) **Identify what additional measures could be implemented to ensure compliance with the Regulation and approval conditions should any non-compliance be detected; and**
- f) **Provide details of any complaints received relating to air quality generated by the project and action taken to respond to those complaints.**

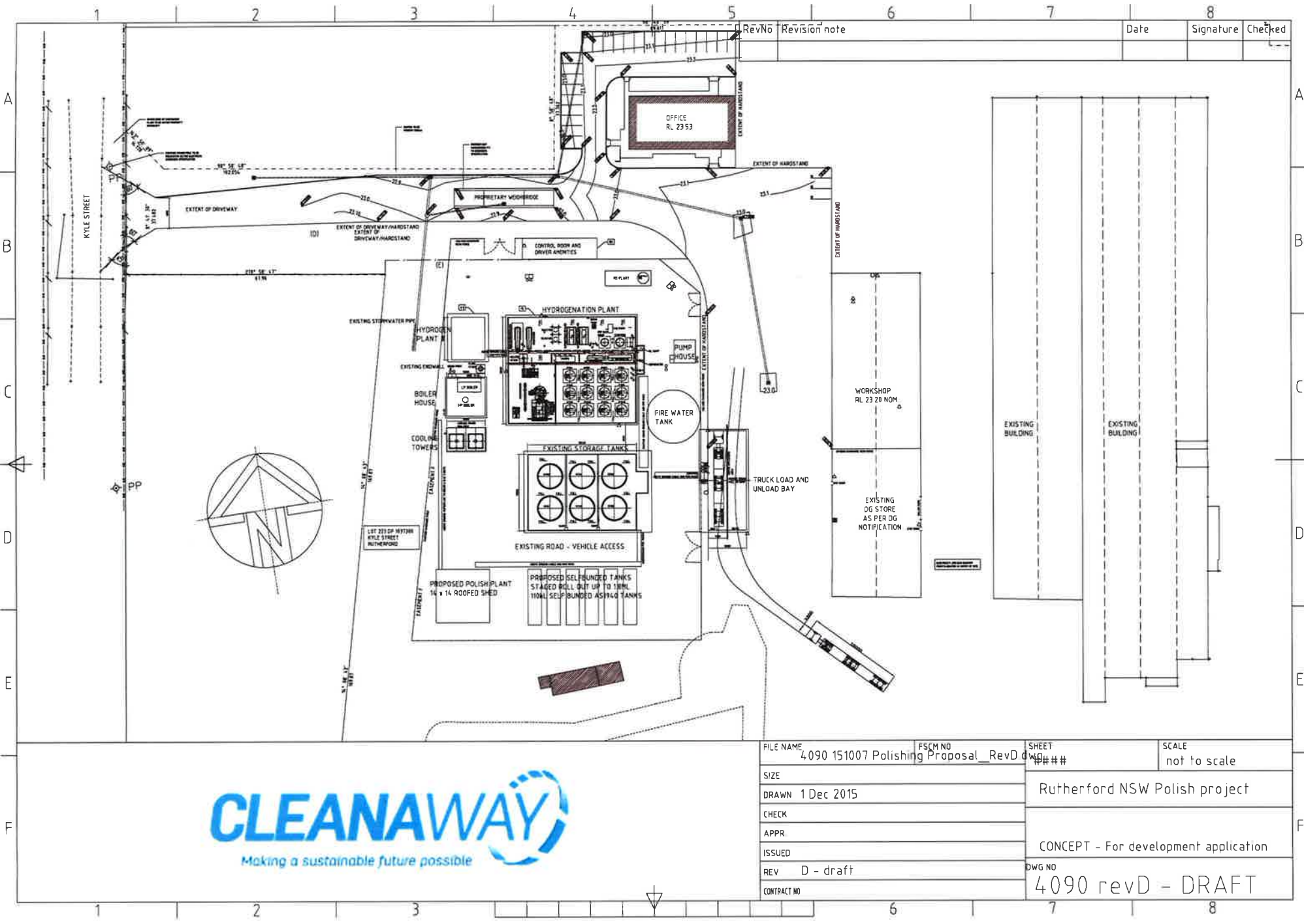
- (n) Schedule 2 – Condition 4.6 is included by the insertion of the **bold and underlined** words / numbers as follows:

HAZARD AUDIT

4.6 Twelve months after the commencement of operations of the MOD 5 project and every three years thereafter, or at such intervals as the Secretary may agree, the Applicant shall carry out a comprehensive Hazard Audit of the proposed project and within one month of each audit submit a report to the Secretary for an approval. The audits shall be carried out at the Applicant's expense by a qualified person or team, independent of the project, approved by the Secretary prior to commencement of each audit. Hazard Audits shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

- (o) Replace the site layout plan at Appendix A with Drawing Number 4090 Rev D, dated 1 December 2015

END of MODIFICATION



FILE NAME	4090 151007 Polishing Proposal_RevD.dwg	SHEET	1 of 1	SCALE	not to scale
SIZE					
DRAWN	1 Dec 2015				Rutherford NSW Polish project
CHECK					
APPR					CONCEPT - For development application
ISSUED					
REV	D - draft	DWG NO	4090 revD - DRAFT		
CONTRACT NO					